

Decision **PROPOSED DECISION OF ALJ YACKNIN** (Mailed 2/12/2016)**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of San Diego Gas & Electric Company (U902E) for Authority to Partially Fill the Local Capacity Requirement Need Identified in D.14-03-004 and Enter into a Purchase Power Tolling Agreement with Carlsbad Energy Center, LLC.

Application 14-07-009
(Filed July 21, 2014)

**DECISION GRANTING COMPENSATION TO CALIFORNIANS FOR
RENEWABLE ENRGY FOR SUBSTANTIAL CONTRIBUTION TO DECISIONS
D.15-05-051 AND D.15-11-024**

Intervenor: Californians For Renewable Energy, Inc. (CARE)	For contribution to Decisions D.15-05-051; D.15-11-024
Claimed: \$29,600.00	Awarded: \$6,237.50 (reduced 78.9%)
Assigned Commissioner: Michel Peter Florio	Assigned ALJ: Hallie Yacknin

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	<p>D.15-05-051 conditionally approved San Diego Gas & Electric Company's application for authority to enter into a purchase power tolling agreement with Carlsbad Energy Center, LLC.</p> <p>D.15-11-024 denied rehearing of D.15-05-051 but made clarifying and correcting modifications.</p>
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B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:

	Intervenor	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference (PHC):	3-3-2014	09/03/14
2. Other specified date for NOI:		
3. Date NOI filed:	10-3-2014	Verified

4. Was the NOI timely filed?		Yes
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	Application(A.) 12-03-026	Verified
6. Date of ALJ ruling:	8-15-12	Verified
7. Based on another CPUC determination (specify):	See comment in Part I.C.	
8. Has the Intervenor demonstrated customer or customer-related status?		Yes
Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	Application(A.) 12-03-026	Verified
10. Date of ALJ ruling:	4-18-13	05/15/14
11. Based on another CPUC determination (specify):	See comment in Part I.C.	
12. Has the Intervenor demonstrated significant financial hardship?		Yes, but see below.
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.15-11-024	Verified
14. Date of issuance of Final Order or Decision:	November 6, 2015	Verified
15. File date of compensation request:	10-3-2014	12/31/15
16. Was the request for compensation timely?		Yes

C. Additional Comments on Part I:

#	Intervenor’s Comment(s)	CPUC Discussion
9 and 10	In the Application (A.) 12-03-026 evidentiary hearing transcript from August 15, 2012, the ALJ ruled that CARE had satisfied the eligibility requirement of Pub. Util. Code § 1804(a) and have shown significant financial hardship.	

PART II: SUBSTANTIAL CONTRIBUTION**A. Did the Intervenor substantially contribute to the final decision (see § 1802(i), § 1803(a), and D.98-04-059).**

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>CARE played a lead role in contesting SDG&E's Carlsbad Application, CARE opposed the approval of the Carlsbad PPTA because it required 133MW of capacity beyond its resource needs without SDG&E conducting an all source RFO to comply with the loading order and assure the Carlsbad PPTA was reasonably priced first. CARE was the first party to raise the issue in its August 19, 2014 Protest Page 2 and 3. The Application sought the immediate bilateral procurement of the entirety of the "any resource" need identified in D.14-03-004 prior to awaiting the results of its concurrent issued all-source RFO and allowing preferred resources to compete to meet any resource need. In addition, it is well established that a party may make a substantial contribution to a Commission decision even if its positions are not adopted, as long as the party assisted the decision-making in a proceeding and its contributions enriched the record and enabled fuller deliberation. (See, e.g., D.10-06-046). This case involved a PD and APD with different outcomes, disputes over public disclosure of SDG&E's initial all-source RFO bid information that ultimately resulted in additional transparency, an all-party meeting, a dissenting vote, significant discussion among Commissioners at multiple</p>	<p>August 19, 2014 PROTEST Californians for Renewable Energy, Inc. Protest to Application.</p> <p>December 10, 2014 LAW & MOTION Californians for Renewable Energy, Inc. Motion to File Under Seal Portions of Opening Brief.</p> <p>December 10, 2014 BRIEF Californians for Renewable Energy, Inc. (PUBLIC VERSION) Opening Brief.</p> <p>December 22, 2014 LAW & MOTION Californians for Renewable Energy, Inc. Motion to File Under Seal Portions of Reply Brief.</p> <p>December 22, 2014 BRIEF Californians for Renewable Energy, Inc. (PUBLIC VERSION) Reply Brief</p> <p>January 26, 2015 COMMENTS Californians for Renewable Energy, Inc. Reply; on Late-Filed Exhibit 20</p> <p>March 06, 2015 PROPOSED DECISION ALJ/YACKNIN/CPUC DECISION DENYING WITHOUT PREJUDICE SAN DIEGO GAS & ELECTRIC</p>	

<p>Commission meetings over SDG&E's over-procurement process, written and oral public comments from dozens of affected stakeholders and a level of public discourse that had rarely been seen in past authorizations of conventional generation. Although the APD that was ultimately approved by the majority of the Commission did not adopt many of CARE's recommendations CARE believes its contribution was substantial and contributed to significantly more robust decision-making than would otherwise have occurred absent its participation.</p>	<p>COMPANY'S APPLICATION FOR AUTHORITY TO ENTER INTO PURCHASE POWER TOLLING AGREEMENT WITH CARLSBAD ENERGY CENTER, LLC.</p> <p>March 26, 2015 COMMENTS Californians for Renewable Energy, Inc. Comments of CARE on the Proposed Decision of ALJ Yacknin.</p> <p>April 01, 2015 COMMENTS Californians for Renewable Energy, Inc. Reply comments on the Proposed Decision.</p> <p>April 06, 2015 ALTERNATE CMMR/PICKER/CPUC Alternate Proposed Decision of Commissioner Picker conditionally approving San Diego Gas & Electric Company's Application for authority to enter into purchase power tolling agreement with Carlsbad Energy Center, LLC</p> <p>April 27, 2015 COMMENTS Californians for Renewable Energy, Inc. Comments on Alternate Proposed Decision.</p> <p>May 04, 2015 COMMENTS Californians for Renewable Energy, Inc. REPLY COMMENTS ON ALTERNATE PROPOSED DECISION</p> <p>May 21, 2015 DECISION- Decision D1505051 - Decision Conditionally Approving San Diego Gas & Electric Company's Application for Authority to Enter into Purchase Power Tolling</p>	
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	<p>Agreement with Carlsbad Energy Center, LLC, and closes the proceeding.</p> <p>June 25, 2015 REHEARING REQUEST Californians for Renewable Energy, Inc. APPLICATION FOR REHEARING OF DECISION 15-05-051</p> <p>November 05, 2015 DECISION D1511024 - Order Modifying Decision 15-05-051 and Denying Rehearing of the Decision, as Modified.</p>	
<p>1. The March 06, 2015 Proposed Decision rejected SDG&E's Application for many of the reasons articulated by CARE in its August 19, 2014 protest, the first filed in this proceeding to raise these issues that set agenda for others to attempt to duplicate:</p> <p>a) D. 14-03-004 authorized SDG&E to procure 600 MW of natural gas power generation. According to the testimony SDG&E is seeking to cap the capacity payments at 633MW.</p> <p>b) Carlsbad is not the least cost or best fit</p> <p>c) An RFO is feasible and SDG&E should be required to conduct one</p> <p>d) It is unlikely that Carlsbad will be online by November 1, 2017</p> <p>An alternate decision that proposed a 500 MW facility was ultimately approved in a 4-1 vote. As the original PPTA was estimated to cost ratepayers \$2.6 billion, by prevailing on CARE's original contention that SDG&E was over procuring resources at 633MW when it's</p>	<p>Decision 15-05-051 Page 7, "Californians for Renewable Energy, Inc. (CARE) contends that the application does not comply with the procurement authority granted in D.14 03 004 because the Carlsbad PPTA allows capacity payments for up to 633 MW which is 33 MW more than D.14-03-004 authorizes SDG&E to procure from non-preferred resources. This contention implicates the issue of whether the terms of the PPTA are reasonable, which we discuss below. "</p> <p>Yacknin Proposed PD Page 14, "Thus, a better statement of the fundamental issue before us is whether the benefit of a competitive procurement process and its potential for procuring additional preferred resources beyond the minimum required by D.14-03-004 outweighs the risk of delaying Encina's timely retirement and/or creating a reliability gap upon its retirement. We conclude that it does."</p>	<p>No substantial contribution. The proposed and final decisions rejected CARE's arguments concerning the Carlsbad projects maximum capacity of 633 MW (PD, pp. 6, 19-20; D.15-05-021, pp. 6-7, 20), whether the Carlsbad power purchase agreement (PPTA) is the least cost or best fit (PD at 20-21, D. 15-05-051, at 20), and likely on-line date (PD at.23, D.15-05-021 at 23). CARE's contention in its protest that SDG&E should be required to conduct an RFO did not substantially inform the issue of whether an RFO should be required.</p>

<p>requirements was for 500MW. CARE's participation directly influenced the Commission to reducing the facility by 133 MW which will still result in significant ratepayer savings.</p> <p>CARE provided protest testimony, briefing and opening and reply comments on the PD and APD in support of its position CARE Reply Brief Pages 4-6, CARE Reply Brief Pages 9 and 10, PD Comments page 1 to 3, Reply Comments page 2, APD Comments page 3 to 4, Reply Comments page 2, and May 20, 2015 Ex Parte page 5.</p>	<p>Yacknin Proposed Decision Page 25</p> <p>"We therefore find that the price, term and conditions of the Carlsbad PPTA are reasonable only to the extent that the RFO fails to produce more than the minimum required 200 MW of economic and feasible preferred resources and/or energy storage."</p>	
<p>2. CARE's position was that "it is unlikely that Carlsbad Energy Center will be online by November 1, 2017 because it will not commence construction by November 1, 2015 (regulatory lag) so an RFO is feasible." CARE August 19, 2014 Protest Page 3, CARE Rebuttal Testimony Page 1 and 2, CARE direct Testimony Pages 1-4, Opening Brief Page 11, PD Reply comments pages 2 and 5, APD comments pages 2 to 5, Reply comments page 4, and May 20, 2015 Ex Parte page 4.</p>	<p>Decision 15-05-051 Page 23 rejects CARE's position that the Carlsbad Project would not start construction by November 1, 2015 and would not be online by November 1, 2017. "CARE contends that the Carlsbad project is not capable of achieving its contractual on-line date because it is expected to have a 23-month construction period so it will not be available on November 1, 2017, if construction is not commenced in November of 2015. (CARE opening brief at 11.) CARE's argument and the evidence that it cites in its support do not demonstrate the Carlsbad project's inability to meet its November 1, 2017, on-line date, while Carlsbad Energy Center offers persuasive testimony and evidence to the contrary. (See, e.g., Ex. 2 at 6-8; Carlsbad Energy Center/Piantka, RT 236:11-18.) [See PD Page 2]</p> <p>The Carlsbad Energy Center did not receive final approval of its CEC application until November</p>	<p>No substantial contribution.</p> <p>D.15-05-021 finds that CARE's evidence that the Carlsbad PPTA is unlikely to be online by November 1, 2017 was not persuasive and contradicted by evidence provided by Carlsbad Energy Center.</p>

	<p>12, 2015. https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=07-AFC-06C The project has not begun construction and has not received a notice to proceed to construction. Carlsbad Energy is now facing two challenges to its approved CPUC application. CARE was correct that regulatory lag will prevent the Carlsbad Project from commencing construction by November 1, 2015 and accordingly will not be online by November 1, 2017.</p>	
<p>3. The Encina Power Plant can extend its retirement date beyond 2017 to provide time to complete the RFO. CARE Opening Brief page 10, CARE Reply Brief Page 8, PD comments page 3, Reply pages 2 to 5, APD comments pages 2 to 5 and page 8, Reply comments pages 3 to 4.</p>	<p>Decision 15-05-051 Page 20 rejects CARE's position, "For various reasons, CARE contends that the Carlsbad PPTA is not a reasonable means to meet the 600 MW of LCR needs that may be met by conventional resources. First, CARE contends the Carlsbad PPTA would be rejected from the RFO as nonconforming because it exceeds the maximum allowable capacity at 630 MW and because it does not conform to certain conditions for participation in the RFO, e.g., that a repowered facility submit evidence that it has received all interconnection agreements and permits, and that conventional bids must offer a specified minimum guaranteed availability factor. (CARE opening brief at 9.) We reject CARE's contention with regard to project capacity for the reasons discussed previously. We reject CARE's contention with regard to the Carlsbad PPTA's conformance with the requirements of SDG&E's all-source RFO, first, because this is</p>	<p>Verified</p>

	<p>therefore its adherence to them is not a bid into the RFO and of marginal relevance, and second, because the referenced RFO requirements are not in evidence, and their meaning is not capable of immediate and accurate determination by resort to the referenced source document.”</p> <p>Proposed Decision Finding of Fact # 4. To the extent that the Encina OTC retirement were to cause a system reliability gap, the SWRCB, pursuant to CAISO recommendation, could adopt an extension of its operation beyond its December 31, 2017, OTC compliance date. Yacknin Proposed Decision page 32</p>	
<p>4. The Price terms and conditions of the Carlsbad PPTA are not reasonable since no RFO has been conducted. CARE’s August 19, 2014 Protest Page 2, CARE Opening Brief Page 4 and 5, Reply Brief Pages 7-11, PD comments pages 3 to 5, Reply page 2, APD comments pages 5 to 7, Reply page 3.</p>	<p>The Yacknin Proposed Decision states on page 25</p> <p>“We therefore find that the price, term and conditions of the Carlsbad PPTA are reasonable only to the extent that the RFO fails to produce more than the minimum required 200 MW of economic and feasible preferred resources and/or energy storage. Otherwise, it will be incumbent on SDG&E to demonstrate that it is not feasible or economic to procure less than the entire 600 MW of all-source capacity from the Carlsbad project in order to accommodate such preferred resources and/or energy storage in excess of the minimum required 200 MW.”</p>	<p>The Yacknin Proposed Decision and the Commission rejected CARE’s contention with regard to the unreasonableness of the Carlsbad PPTA’s price and terms. (Yacknin PD, pp.24-27; D. 15-05-051, pp. 25-27)</p>
<p>5. Decision 15-11-024 rejects most of CARE’s contentions except those CARE raised in CARE’s June 25, 2015 rehearing request and the</p>	<p>Decision 15-11-024 page 2</p> <p>“CARE also argues that we were required to undertake a CEQA</p>	<p>Yes as to the rehearing request contentions. However, with</p>

<p>April 27, 2015 APD comments.</p> <p>The rehearing request states at page 8 “5.No Environmental Review has been conducted on a 500 MW Carlsbad PPTA</p> <p>D. 15-05-051 states that, ‘While the Commission has considerable discretion over whether to approve a purchase power contract, it does not have power to approve or deny the underlying generation project.’ In this case the Commission has denied the underlying generation project as it has required the underlying generation project to decrease its size by 133 MW. The Commission is no longer just approving a contract the Commission is requiring a reduction in size of the Carlsbad Project and at the same time ordering the applicant SDG&E to analyze whether clutch technology should be added to the project for additional VAR support.”</p> <p>The APD comments regarding Synchronous Condenser Clutch Technology at pages 5 to 6 states “The APD promises a PPTA where the terms and conditions remain unchanged, ‘<i>The purchase power tolling agreement with Carlsbad Energy Center, LLC is amended to reduce the contract capacity from 600 MW to 500 MW, and is otherwise subject to the same per-unit price, and other terms and conditions.</i>’¹</p> <p>Several pages later the APD proposes to modify the underlying technology in the PPTA as well as the contract quantity, ‘<i>Lastly, the Commission has become aware of the potential for the proposed LMS-100 units to provide even greater benefits through the addition of a clutch</i></p>	<p>review. (CARE App. Rehg., at p. 8.)”</p> <p>Decision 15-11-024 pages 4 to 5</p> <p>“CARE suggests that the fact that we conditioned approval of the Carlsbad PPTA on a 500 MW limit, as opposed to the 633 MW that was proposed in the PPTA application, requires us to conduct a CEQA review on the Carlsbad Energy Center project with the new amount. Although CARE asserts that, “the Commission is requiring a reduction in size of the Carlsbad Project,” (CARE App. Rehg., at p. 2), we do not have direct jurisdiction over Carlsbad Energy Center or the Carlsbad Project. As such, we cannot “require” changes to the project. All we have done is detailed conditions under which we approve SDG&E’s contract to purchase energy from the Carlsbad Project. It is theoretically possible for Carlsbad to build the same capacity plant and sell the power not purchased by SDG&E to others.”</p> <p>Decision 15-11-024 page 6</p> <p>“Consistency with Prior Commission Decisions</p> <p>CARE, POC, ORA, Sierra Club, and the Academy claim that the Decision errs in approving the Carlsbad PPTA because that approval is inconsistent with our findings in the Track 4 Decision [D.14-03-004], and other Commission holdings. These parties argue that: (1) our conclusions regarding the timing</p>	<p>regards to the APD comments, CARE’s contentions were either unfounded, previously made, or summarily dismissed.</p>
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¹ APD Page 2

<p><i>inserted between the turbine and the generator unit, which would allow the unit to operate in synchronous condenser mode (without the burning of fuel) when positive MW output is not required. This minor modification could offer valuable VAR support in an area of the grid that otherwise requires it.’²”</i></p> <p>The Commission Decision finds in regards to this matter [at page 16] “We will delete our holdings concerning synchronous condenser clutch technology, because there is no record support indicating that this technology will be beneficial to the Carlsbad PPTA”</p>	<p>of SDG&E’s LCR needs conflict with the Track 4 Decision; (2) our conclusions about the Encina Plant retirement conflict with the Track 4 Decision and earlier decisions; (3) we failed to prioritize preferred resources in violation of the Track 4 Decision and other directives; and (4) our renewed consideration of the timing of SDG&E’s LCR need conflicts with the process we have established to consider need during general procurement proceedings, and not at the PPTA approval stage. None of these arguments have merit.”</p> <p>Decision 15-11-024 page 12</p> <p>“C. Scoping Memo Issues</p> <p>A number of parties argue that the findings in the Decision exceed the scope of the proceeding as set forth in the Scoping Memo. Although these arguments do not demonstrate error, we will make one modification to delete holdings regarding synchronous condenser clutch technology.</p> <p>1. CARE, ORA, Sierra Club, POC and the Academy all argue that our reliance on the Encina Plant retirement to approve the Carlsbad PPTA is in error since the status and impact of the Encina Plant is outside the scope of the proceeding. Due to the intrinsic interconnection between the impact of the SONGS shut down and the Encina Plant retirement, as well as the wording of the Scoping Memo and the substance of the proceeding, this</p>	
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² APD Page 21

	<p>argument fails.”</p> <p>Decision 15-11-024 page 15</p> <p>“500 MW Modification</p> <p>CARE argues that our approval of a 500 MW PPTA, rather than the originally proposed 633 MW amount, is outside the scope of the proceeding. Again, this type of issue falls squarely within Issue 3 of the Scoping Memo.</p> <p>Issue 3 is “Is the Carlsbad PPTA a reasonable means to meet the 600 megawatt (MW) of identified LCR that D.14-03-004 determined may be met by conventional resources?” (Scoping Memo, at p. 3.) It includes the sub-issue, “Is the Carlsbad PPTA the best fit for the identified need? This, in turn, encompasses consideration of whether there are better and available alternatives to meet this need.” (Ibid.) Clearly, our conclusion that a 500MW PPTA is preferable to the amount proposed qualifies as consideration of a “better and available alternative” to meet the identified need. Therefore, our approval of the 500 MW alternative is not outside the scope of the proceeding.</p> <p>In addition, the specific possibility of a smaller project was raised in testimony. (See Exh. 1 SDG&E Baerman, at p. 37; Transcript at p. 35.) Therefore CARE also had specific notice of that type of issue, as well as an opportunity to be heard.”</p> <p>Decision 15-11-024 pages 15 to</p>	
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	<p>16</p> <p>“3. Synchronous Condenser Clutch Technology</p> <p>ORA and POC take issue with our requirement directing SDG&E, “to evaluate the feasibility and cost-effectiveness” of synchronous condenser clutch technology. (Decision, at p. 22.) Both ORA and POC maintain that this issue is outside the scope of the proceeding and was introduced after the record was closed. (ORA App. Reh'g., at p. 11.) Carlsbad Energy and SDG&E respond that, although ordering the feasibility study is not legal error, it has no impact on the approved Carlsbad PPTA. SDG&E states it has no objection to removing that provision since no benefit to the Carlsbad Energy Center stemming from the technology has been found. (SDG&E Response, at p. 18.)</p> <p>We will delete our holdings concerning synchronous condenser clutch technology, because there is no record support indicating that this technology will be beneficial to the Carlsbad PPTA. We agree with Carlsbad Energy and SDG&E that this holding has no impact on our approval of the Carlsbad PPTA, and is not necessary to the Decision.”</p> <p>Decision 15-11-024 page 16</p> <p>“Preferred Resource Mandates</p> <p>CARE, CBD, POC, the Academy, and the Sierra Club argue that the Decision fails to heed various requirements that mandate that an</p>	
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	<p>electric utility prioritize energy efficiency, demand-side resources, and renewable resources to meet its procurement needs. These requirements are found in section 454.5, our Loading Order, and various Commission decisions, including the Track 4 Decision.”</p> <p>Decision 15-11-024 pages 20 to 21</p> <p>“Substantial Evidence</p> <p>The Sierra Club, CARE and POC allege that key findings in the Decision are not based on substantial evidence. The Sierra Club and CARE focus specifically on our findings concerning the reasonableness of the costs of the Carlsbad PPTA, as well as findings about the importance of the Carlsbad Energy Center in addressing SDG&E’s reliability concerns.</p> <p>The Sierra Club and CARE challenge our conclusion that the terms and conditions of the Carlsbad PPTA are reasonable. (Decision, at p. 35, Conclusion of Law 10.) According to the Sierra Club and CARE, because relevant market data was not available, our reasonableness conclusion mistakenly relies upon a flawed comparison with the Pio Pico PPTA. CARE argues that, in our comparison, we neglected to consider Pio Pico’s operating restrictions. (CARE App. Rehg., at p. 6.) “</p>	
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B. Duplication of Effort (§ 1801.3(f) and § 1802.5):

	Intervenor's Assertion	CPUC Discussion
a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?	yes	Verified
b. Were there other parties to the proceeding with positions similar to yours?	yes	Verified
c. If so, provide name of other parties: ORA, Sierra Club, POC, World Business Academy, Carlsbad Energy, CEJA, CBD		Verified
d. Intervenor's claim of non-duplication: CARE communicated and coordinated with POC, CEJA, and CBD to avoid duplication of efforts as these parties were most closely aligned with CARE's positions.		Verified

PART III: REASONABLENESS OF REQUESTED COMPENSATION**A. General Claim of Reasonableness (§ 1801 and § 1806):**

a. Intervenor's claim of cost reasonableness: CARE's participation contributed to the overwhelming evidence that preferred resources were being crowded out by the 600 MW Carlsbad PPTA. The final Decision reduced the PPTA to 500 MW which saved ratepayers substantial amounts of money.	CPUC Discussion CARE did not substantially contribute on a number of the issues it raised, <i>see</i> above.
b. Reasonableness of hours claimed: CARE had over 300 hours of work performed in the proceeding but only claimed compensation for a fraction of the hours because the PD and the APD did not adopt CARE's position on several issues.	Time records have been verified.
c. Allocation of hours by issue: For contribution to Decision (D.) 15-05-051; 15-11-024 Issues 1) CARE opposed the approval of the Carlsbad PPTA without SDG&E conducting an all source RFO to comply with the loading order and assure the Carlsbad PPTA was reasonably priced. 2) it is unlikely that Carlsbad Energy Center will be online by November 1, 2017 because it will not commence construction by November 1, 2015 (regulatory lag) so an RFO is feasible. 3) The Encina Power Plant can extend its retirement date beyond 2017 to provide time to complete the RFO. 4) The Price terms and conditions of the Carlsbad PPTA are not reasonable since no RFO has	Verified

been conducted. 5) Decision 15-11-024 rejects most of CARE's contentions except those CARE raised in CARE's APD comments regarding Synchronous Condenser Clutch Technology. 6) Discovery. 7) General Case work

Boyd Hours Percentage by Issue

% 1	% 2	% 3	% 4	% 5	% 7
16.19	7.62	8.10	12.86	5.24	40.95

Sarvey Hours Percentage by Issue

% 1	% 2	% 3	% 4	% 5	% 6	% 7
14.24	10.68	3.88	17.80	6.47	19.74	66.67

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Michael Boyd	2014	9.5	\$150/h ³	D1306022	\$1,425.00	0	\$0.00	\$0.00
Michael Boyd	2015	95.5	\$155/h	D1306022	\$14,802.50	22 ^[A]	\$150.00	\$3,300
Robert Sarvey	2014	72.75	\$170/h ⁴	D1405032	\$12,367.50	14 ^[A]	\$170.00	\$2,380
Robert Sarvey	2015	4.5	\$175/h	D1405032	\$787.50	2 ^[A]	\$170.00 ^[B]	\$340
Subtotal: \$29,382.50						Subtotal: \$6,020.00		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Michael Boyd	2015	3	\$72.5/hr	D1306022	217.50	3	\$72.50	\$217.50
Subtotal: \$217.50						Subtotal: \$217.50		

³ 2012 rate for Boyd was \$140/hr set in D.13-06-022. Mr. Boyd requests a rate increase to \$150/hr for 2014 and \$155/hr for 2015.

⁴ 2013 rate for Sarvey set to \$165/hr. at 13 of Decision 14-05-032 May 15, 2014. Mr. Sarvey requests a rate increase for 2014 and 2015 to \$170/hr and 175/hr respectively.

TOTAL REQUEST: \$29,600.00 TOTAL AWARD: \$6,237.50	
<p>*We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenor's records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer's normal hourly rate.</p>	

D. CPUC Disallowances and Adjustments:

Item	Reason
A	Reductions for non-substantial contribution. See discussion in Part II. Reductions were not made for time attending meetings or hearings, nor for time spent drafting the rehearing request.
B	No Cost of Living Adjustment was applied in 2015.

PART IV: OPPOSITIONS AND COMMENTS

A. Opposition: Did any party oppose the Claim?	No
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B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6))?	No
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Party	Comment	CPUC Discussion
CARE	<p>CARE filed comments on March 03, 2016 in response to the February 12, 2016 Proposed Decision (PD). CARE contends it should have received compensation for three issues which the PD denied it compensation for:</p> <ol style="list-style-type: none"> 1) CARE argues that it should receive compensation for its position that the Carlsbad Energy Center would be unable to commence construction prior to November 1, 2015, because the Carlsbad Energy Center did in fact incur delays. In support of this contention, CARE requests that Official Notice be taken of two California Energy Commission orders. 2) CARE argues that it should receive compensation for its position that the Encina Power Plant retirement could be delayed in order to conduct an RFO. 3) CARE argues that it should receive compensation for its position that the Carlsbad PPTA price terms and conditions were unreasonable since no RFO had been conducted. 	<p>Although D.15-05-021 finds that CARE's evidence that the Carlsbad PPTA is unlikely to be online by November 1, 2017 was not persuasive, CARE asks that it be granted compensation for its participation on this issue because, contrary to the testimony by Carlsbad Energy that it could commence construction by November 1, 2015, the California Energy Commission's Final Decision approving the Amendment for the Carlsbad Energy Center Application for Certification 07-AFC-06 issued on November 12, 2015, "proves" CARE to have been correct.⁵ We deny CARE's request, as new information does not alter whether a party substantially contributed to a prior Commission decision.</p> <p>The Commission agrees that CARE substantially contributed on the issue of Encina Power Plant Retirement. This adds a total of 8.5 hours to Boyd's 2015 hours.</p>

⁵ The Commission takes official notice of both California Energy Commission decisions as requested in CARE's March 03, 2016 Request for Official Notice.

		<p>CARE asserts that the proposed decision errs by finding that CARE's position that "The price terms and conditions of the Carlsbad PPTA are not reasonable since no RFO has been conducted" did not substantially contribute to D.15-05-021 on the basis that D.15-05-051 rejected CARE's specific argument that the Carlsbad PPTA was out of conformance with SDG&E's all source RFO requirements. We correct that error.</p> <p>CARE asserts that the proposed decision errs by finding that CARE's position that "The price terms and conditions of the Carlsbad PPTA are not reasonable since no RFO has been conducted" did not make a substantial contribution when, in contrast, D.15-12-044 granting Sierra Club intervenor compensation verified that Sierra Club's similar position contributed to the Yacknin proposed decision's conclusion that it was unreasonable to approve the PPTA. (D.15-12-044, p. 7.) Upon review, we recognize that D.15-12-044 is misleading on this point. The Yacknin proposed decision (as well as D.15-05-021) assessed the reasonableness of the PPTA with respect to three sub-issues -- "best fit,"</p>
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		<p>“additional benefits,” and “competitiveness of price, term and conditions” – and finds it “unreasonable to approve the Carlsbad PPTA at this juncture pending a determination that the results of SDG&E’s RFO demonstrate the lack of feasibly available and cost-effective preferred resources and energy storage to meet some or all of SDG&E’s LCR need beyond the 200 MW minimum that must be met by preferred resources or energy storage,” i.e., on the issue of “best fit.” Although Sierra Club made, and the PD rejected, a similar argument as CARE with respect to “competitiveness of price, term and conditions,” its substantial contribution to the overarching issue of PPTA reasonableness was based on its participation on the sub-issue of “best fit.”</p>
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FINDINGS OF FACT

1. CARE has made a substantial contribution to Decision (D.) D.15-05-051 and D.15-11-024.
2. The requested hourly rates for CARE’s representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$6,237.50.

CONCLUSION OF LAW

1. The Claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.

ORDER

1. Californians for Renewable Energy, Inc. shall be awarded \$6,237.50.
2. Within 30 days of the effective date of this decision, San Diego Gas & Electric Company shall pay Californians for Renewable Energy, Inc. the total award. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning March 15, 2016, the 75th day after the filing of Californians for Renewable Energy, Inc.'s request, and continuing until full payment is made.
3. The comment period for today's decision is not waived.
4. This decision is effective today.

Dated _____, 2016, at San Francisco, California.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision?	
Contribution Decision(s):	D1505051; D1511024		
Proceeding(s):	A1407009		
Author:	ALJ Yacknin		
Payer(s):	San Diego Gas & Electric Company		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Californians for Renewable Energy, Inc.	December 31, 2015	\$29,600.00	\$6,237.50	N/A	Non-Substantial Contribution

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Michael	Boyd	Advocate	Californians for Renewable Energy, Inc.	\$150.00	2014	\$0.00
Michael	Boyd	Advocate	Californians for Renewable Energy, Inc.	\$155.00	2015	\$150.00
Robert	Sarvey	Advocate	Californians for Renewable Energy, Inc.	\$170.00	2014	\$170.00
Robert	Sarvey	Advocate	Californians for Renewable Energy, Inc.	\$175.00	2015	\$170.00

(END OF APPENDIX)